

Message

**From:** Fleisig, Erica [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=57317CE4C3234AFE86380BEAB9C70BD9-EFLEISIG]  
**Sent:** 2/22/2021 7:29:37 PM  
**To:** Brundage, Jennifer [brundage.jennifer@epa.gov]  
**Subject:** FW: Administrator McCarthy signed the Tribal Baseline WQS ANPRM

## Ex. 5 Deliberative Process (DP)

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**From:** Anderson, Danielle <Anderson.Danielle@epa.gov>  
**Sent:** Monday, February 22, 2021 1:57 PM  
**To:** Fleisig, Erica <Fleisig.Erica@epa.gov>  
**Subject:** FW: Administrator McCarthy signed the Tribal Baseline WQS ANPRM

We'll need to update but still have some of the original members =)

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**Subject:** Administrator McCarthy signed the Tribal Baseline WQS ANPRM

Dear Workgroup,

I am pleased to announce that Administrator McCarthy signed the Federal Baseline Water Quality Standards (WQS) for Indian Reservations Advance Notice of Proposed Rulemaking (ANPRM) late yesterday (September 19, 2016). Thank you all for your help and feedback on this important action. Your dedication, persistence, and expertise has been a tremendous help as we recognize the need and importance of protecting waters on which tribes rely.

We are making final preparations to post a pre-publication version of the ANPRM, as well as a fact sheet and other material, on our website tomorrow. The following link is not yet activated, but the ANPRM's dedicated webpage will be:

<https://www.epa.gov/wqs-tech/advance-notice-proposed-rulemaking-federal-baseline-water-quality-standards-indian>. I will notify you when the pre-publication webpage is activated and when we hear a firm publication date from the Federal Register.

We will provide broad notifications within EPA, to the National Tribal Water Council, WQS and Tribal Listservs and others tomorrow after the website is activated, but we wanted to provide the Workgroup with early notification.

During the public comment period, EPA intends to hold two public webinars on the contents of the ANPRM and to provide an opportunity for interested participants to ask clarifying questions. Session details and registration information will be announced on the ANPRM website as they become available.

A short summary of the ANPRM is included below.

### **Summary**

In advance of any potential rulemaking to address a long-standing gap of Clean Water Act (CWA) coverage, EPA is requesting comments for 90 days on whether to establish federal baseline WQS for Indian reservation waters that do not yet have WQS under the CWA and, if so, which approach EPA should take (*e.g.*, establishing one set of WQS that apply universally to the reservation waters covered by any potential federal baseline WQS rule, offering limited tailoring opportunities to account for unique cultural and traditional practices observed by particular tribes, etc.), and how they should be implemented.

Currently, fewer than 50 of over 300 tribes with reservation lands have WQS effective under the CWA. Tribal reservation lands without CWA-effective WQS account for approximately as much land area and population as the state of North Dakota. Federal baseline WQS — which could include designated uses, narrative and numeric criteria, antidegradation requirements, and other WQS policies such as a mixing zone policy, a compliance schedule authorizing provision, and a WQS variance procedure — would define water quality goals for unprotected reservation waters and serve as the foundation for CWA actions to protect human health and the environment.